

UNITED STATES OF AMERICA)
)
v.) Court No. 5:19-cv-00032
)
FIVE FIREARMS & MISCELLANEOUS)
AMMUNITION)

VERIFIED COMPLAINT FOR FORFEITURE *IN REM*

Now comes the plaintiff, United States of America, and brings this Complaint and alleges as follows in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

NATURE OF THE ACTION

1. This is a civil action *in rem* brought to forfeit and condemn certain personal property assets to the use and benefit of the United States, pursuant to 18 U.S.C. § 924(d), for violations of 18 U.S.C. § 922(g)(3).

THE DEFENDANTS *IN REM*

2. The defendant property consists of the following property:

(a) Five firearms and miscellaneous ammunition, detailed below, that were seized from Ronald Leonard Rush on December 7, 2018 at the following location: 228 South Royal Avenue, Front Royal, Virginia 22630, and is presently in the custody of the Bureau of Alcohol, Tobacco, Firearms and Explosives at the Winchester Satellite Office.

	CATS #s	Description
(1)	19-ATF-006098	Stallard/Maverick JS9 Pistol CAL:9 SN:024548
(2)	19-ATF-006110	8 Rounds Federal Ammunition CAL:9
(3)	19-ATF-006111	Savage Mark II Rifle CAL:22 SN:0023223
(4)	19-ATF-006113	5 Rounds Remington Ammunition CAL:22
(5)	19-ATF-006114	Henry Repeating Rifle Company H004 Golden Boy LE Rifle CAL:2

(6)	19-ATF-006117	188 Rounds Assorted Ammunition CAL:Multi
(7)	19-ATF-006119	3 Rounds Winchester-Western Ammunition CAL:30-06
(8)	19-ATF-006121	Savage 111 Rifle CAL:30-06 SN:F997060
(9)	19-ATF-008175	11 Rounds Federal Ammunition CAL:22
(10)	19-ATF-008176	Winchester 94 Rifle CAL:45 SN:5464503

JURISDICTION AND VENUE

3. This Court has jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a).
4. This Court has *in rem* jurisdiction over the defendant property under 28 U.S.C. § 1355(b).
5. Venue is proper in this district pursuant to 28 U.S.C. §1355(b)(1) because the acts giving rise to this forfeiture occurred in this district, and pursuant to 28 U.S.C. § 1395, because the property is located in this district.
6. Upon the filing of this Complaint, the United States requests that the Court issue a Warrant of Arrest and Seizure *in rem* pursuant to Supplemental Rule G(3)(b)(ii), which the United States will execute upon the property pursuant to 28 U.S.C. § 1355(d) and Supplemental Rule G(3)(c).

BASIS FOR FORFEITURE

7. The defendant property is subject to forfeiture pursuant to 18 U.S.C. § 924(d) because Rush possessed them in violation of 18 U.S.C. § 922(g)(3).

FACTS

8. The facts supporting this Complaint are stated in the attached Declaration of Special Agent ATF, Christian Bockmann, and are incorporated by reference herein.

WHEREFORE, the United States of America respectfully requests that the Clerk of Court issue a Warrant of Arrest *in rem* pursuant to Supplemental Rule G(3)(b); that due notice be given to all parties to appear and show cause why the forfeiture should not be decreed; that judgment be

entered declaring the defendant property to be condemned and forfeited to the United States of America for disposition according to law; and that the United States of America be granted such other and further relief as this Court may deem just and proper, together with the costs and disbursements of this action.

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VERIFICATION

I am a Special Agent of the ATF, and one of the agents assigned the responsibility for the above-captioned matter. I have read the contents of the foregoing Complaint for Forfeiture, and the statements contained therein are true to the best of my knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 25 day of April, 2019.



Christian Bockmann
Special Agent
Bureau of Alcohol, Tobacco, Firearms and Explosives

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

UNITED STATES OF AMERICA)
Plaintiff,)
)
v.) Case No. 5:19-cv-00032
)
FIVE FIREARMS & MISCELLANEOUS)
AMMUNITION)
Defendant.)

AFFIDAVIT IN SUPPORT OF FORFEITURE *IN REM*

I, Christian P. Bockmann, a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”), being duly sworn, state as follows:

BACKGROUND AND EXPERIENCE

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) and have been so employed since 2009. I am currently assigned to the ATF Martinsburg Field Office, Washington Field Division. Prior to becoming an ATF agent, I was a United States Capitol Police Officer in Washington, DC for approximately seven years. In my capacity as a law enforcement officer, I have investigated individuals for the illegal possession and use of firearms, illegal possession and distribution of controlled substances, and for committing violent crimes. Many of these investigations led to the arrest and conviction of individuals for violations of both state and federal firearms and drug trafficking laws.

2. This affidavit is based on my personal knowledge, information conveyed to me by other law enforcement officers, and my review of evidence, documents, and records obtained during the course of the investigation. This affidavit only contains the information necessary to

establish probable cause. As such, this affidavit does not include each and every fact known by me or known by the government.

3. As set forth in detail below, the Subject Property is forfeitable under 18 U.S.C. § 924(d) because they were in possession of Ronald Rush (“RUSH”), formerly known as Ronald Leonard, in violation of 18 U.S.C. § 922(g)(3).

THE INVESTIGATION

4. On December 7, 2018, ATF and local law enforcement executed a federal search warrant at 228 South Royal Avenue, Front Royal, Virginia 22630, RUSH’s residence. Inside the residence, law enforcement encountered Jonathan Hodges and placed him under arrest pursuant to a federal arrest warrant for a Federal Drug Conspiracy. Law Enforcement searched the residence and seized narcotics, narcotic paraphilia, firearms, and ammunition. In RUSH’s bedroom, law enforcement located firearms, ammunition, and smoking devices.

5. During a federal proffer interview, Jonathan Hodges talked about RUSH’s drug use while Hodges was living at the 228 South Royal Avenue residence. Hodges lived at the residence with Rush from approximately the end of September 2018, to his arrest on December 07, 2018. Hodges stated that RUSH smoked marijuana every day and that he smoked marijuana several times with RUSH. Hodges also stated that he gave RUSH methamphetamine several times. Hodges explained that RUSH and his sister, Mandy Leonard, would go to RUSH’s bedroom and smoke methamphetamine. Hodges said that he was not paying rent at the house, so the methamphetamine Hodges gave to RUSH was a gift or payment for letting Hodges stay there. On April 17, 2019, Hodges pleaded guilty to Title 21, United States Code, Section 841(a)(1)- Conspiracy to Distribute and possess With Intent to Distribute

methamphetamine, and Title 21, United States Code, Sections 841(a)and(b)(1)(C)- Distribution of controlled substances.

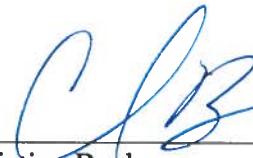
6. During a federal proffer interview, Silvious talked about RUSH's drug use. Silvious provided the following information about her time living at 228 South Royal Avenue in Front Royal, Virginia, with her boyfriend, RUSH. Silvious lived at the 228 South Royal Avenue residence from approximately August through October of 2018, but visited the residence several times after October 2018. Mandy Leonard moved in on September 21, 2018, and Jonathan Hodges moved in about a week after that. Silvious stated that RUSH was a daily user of marijuana and has been for as long as she can remember. Silvious stated that Rush used methamphetamine for the first time on his birthday, September 23, 2018, with Hodge's sister, Mandy Leonard. Silvious observed RUSH using methamphetamine four times over a few days after September 23, 2018, but believed RUSH was using methamphetamine more than those four times because she saw Rush "tweaking" (term for a person being up for several days, normally with side effects of irritable, agitated, and/or paranoid) on other occasions.

CONCLUSION

7. Based upon your affiant's knowledge of the investigation, the circumstances surrounding the seizure, and proffers, your affiant believes that (1) RUSH is an unlawful user of marijuana and methamphetamine, and addicted to those controlled substances, and (2) RUSH possessed firearms and ammunition. As such, your affiant submits that RUSH violated 18 U.S.C. § 922(g)(3) and the subject firearms and ammunition are subject to forfeiture pursuant to 18 U.S.C. § 924(d).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 25 day of April 2019.



Christian Bockmann
Special Agent
Bureau of Alcohol, Tobacco, Firearms and
Explosives